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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,604	10/14/2003	Charles E. Vise JR.	68.0399	2909

35204 7590 06/03/2005

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,604

Applicant(s)

VISE, CHARLES E.

Examiner

Daniel P Stephenson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel '216 in view of Moake et al. Patel '216 (fig. 2, col. 3 lines 48-56, col. 6 lines 30-57) discloses a multiple zone valve system which has a multiple valve mechanism (20) including an upper sliding sleeve valve for controlling fluid flow from an upper zone (30) via a flow conduit, and a lower ball valve for controlling fluid flow from a lower zone (32) via a bore. There is a control conduit formed between a well annulus (16) and the multiple valve mechanism to communicate a signal, which can be a pressure pulse, electrical signal or hydraulic signal, to selectively actuate the upper and lower valves. There is a seal assembly (108) adapted for temporary sealing engagement with a lower completion. There is a packer (34) positioned between the lower completion and a port from the wellbore annulus to the control conduit. Patel '216 does not disclose that there is an upper zone measurement gauge functionally connected to the flow conduit or a lower zone measurement gauge functionally connected to the bore. It also does not disclose that the upper zone measurement gauge is positioned between the upper valve and the upper zone, or that the lower zone measurement gauge is positioned between the lower valve and the lower zone.

Moake et al. (Fig. 2, para. 26-31) discloses a sensor system for use in a wellbore in which various fluid flows are measured by sensors that are placed adjacent to the fluid paths in which they flow. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor/gauges of Moake et al. with the apparatus of Patel '216. This would be done to allow measurement of the zonal fluid as it flowed through the Isolation valve of Patel '216.

With regards to claims 7 and 8, it would have been inherent in the combination of the references that the upper zone measurement gauge is positioned between the upper valve and the upper zone, or that the lower zone measurement gauge is positioned between the lower valve and the lower zone. This would be because the flow paths do not start until the top of the zones and once they would encounter the valve the stream would cease to only contain the zonal fluid, so if a measurement of the fluid from the zone is to be made then the valves must be placed as stated.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel '216 in view of Spiers et al. Patel '216 shows all the limitations of the claimed invention, except, it does not disclose that there is a sample chamber associated with each of the flow lines from each zone. Spiers et al. (Fig. 1, para. 16) discloses a fluid sampling apparatus in which there is a fluid sampling chamber (24) associated with the fluid flow from one zone to another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the fluid sampling chamber of Spiers et al. on the apparatus of Patel '216. This would be done to allow sampling of each zonal fluid for further testing as taught by Spiers et al.

Allowable Subject Matter

4. Claims 13-20 are allowed.

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5. Claims 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patel '298, Henderson et al., Ringgenberg et al., Elkins, Langseth et al., Halliburton, the pre-grant publication '022 to Smith, the pre-grant publication '622 to Patel et al. and Davis all show similar elements to those of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS *DPG*